

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**FREDERICK W. LONG, III,
Plaintiff,**

v.

**Case No. 2:06-CV-701
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Mark R. Abel**

**TIME INSURANCE CO., et al.,
Defendants.**

ORDER

On November 13, 2006, Defendant Time Insurance Co. filed a Motion to Dismiss Count IV of the Plaintiff's original Complaint, which claimed violation of R.C. § 1345. The Plaintiff has been permitted by the Magistrate Judge to file an Amended Complaint, Doc. #39. The Amended Complaint does not set forth alleged violation of R.C. § 1345 as a claim. Accordingly, the original motion to dismiss (**Doc. #15**) is **DENIED as moot**.

IT IS SO ORDERED.

8-13-2007
DATE


**EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE**